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SERVICE DATE – JULY 24, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 740X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN NIAGARA FALLS, NIAGARA COUNTY, N.Y.

Decided: July 23, 2015

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately a 0.48-mile rail line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 (south of Lafayette Avenue) and the end of the track at milepost QDD 173.33 (north of University Drive) in Niagara Falls, Niagara County, N.Y. Notice of the exemption was served and published in the Federal Register on May 27, 2015 (80 Fed. Reg. 30,324). The exemption became effective on June 26, 2015.

By decision served on June 25, 2015, the Board imposed one environmental condition recommended by the Board's Office of Environmental Analysis (OEA). The condition requires CSXT to: (a) prior to beginning any salvage activities, consult with the New York Department of State (DOS) to determine whether state coastal management consistency certification is required; (b) report the results of these consultations in writing to OEA, prior to the onset of salvage operations; (c) obtain state coastal management consistency certification if it is determined that the proposed project is located in a coastal zone management area and coastal management consistency certification is required; and (d) wait to file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

In a Supplemental Final Environmental Assessment dated July 1, 2015, OEA states that on June 30, 2015, CSXT submitted comments from the DOS noting that DOS finds that the abandonment is not likely to affect coastal zone resources and that no further consultation is required. Based upon the DOS comments, OEA recommends that the Coastal Zone Management condition imposed in the June 25, 2015 decision be removed. Accordingly, this proceeding will be reopened and the previously imposed condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Coastal Zone Management condition imposed in the June 25, 2015 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.